DETAILED ACTION

Information Disclosure Statement

1. The references listed in the information disclosure statements submitted on 7/21/06 has been considered by the examiner (see attached PTO-1449).

Claim Objections

2. Claims 13, 14 are objected to because of the following informalities:

As to claim 13, line 15 of page 14, "User device" should be changed to "A user device".

As to claim 14, line 29 of page 14, "Passive" should be changed to "A passive data carrier".

Appropriate correction is required.

Claim Rejections - 35 USC 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **1-2, 7, 10-12** are rejected under 35 U.S.C. 102(e) as being anticipated by **Engestrom et al** (US Pat. Number **7,407,107**).

Regarding claim **1, Engestrom** discloses an apparatus and method for a personal communication device with an RFID tag reader, at least one RFID tag, a memory location, at least one shortcut stored in the memory location and a processor for processing the shortcut and prompting the selection or creation of a new shortcut. More specifically, the personal communication device is a cellular telephone, a satellite telephone, a personal digital assistant or a Bluetooth device. The RFID tags are active or passive and provide at least RFID information to the RIFD reader when the personal communication device is proximate to an RFID tag. Additionally, the RFID tags can be programmable and have the ability of being write-protected (see the whole document), which would include all the claimed limitations wherein the "personal communication device" would read on the claimed "user device" (see Fig. 10, col. 10, lines 4-16), the "RFID tag" which stores user settings/commands in a short cut would read on the claimed "passive data carrier" (see Fig. 9, col. 9, line 58 - col. 10, line 3), the "short cut" would read on the claimed "actual user settings or commands" (see col. 5, line 40 – col. 6, line 25), the "command assigning application 23" would read on the claimed "controller" (see Figs. 9-10), the "user interface 15 for creating short cuts" would read on the claimed "a programming unit" (see col. 5, lines 4-9, col. 8, lines 8-20), wherein it is clear that the RFID tag would be a passive including a memory for storing user settings (short cuts) as claimed (see col. 4, lines 14-20, noting for the "passive" feature).

Therefore, claimed limitations are anticipated by **Engestrom**.

Regarding claim **2**, the claim is rejected for the same reason as set forth in claim 1 above, wherein the "user interface 15 for creating short cuts" would read on the claimed "programming device with input means" (see col. 5, lines 4-9, col. 8, lines 8-20).

Regarding claim **7**, **Engestrom** would teach said passive data carrier is adapted for storing a number of different sets of user settings and/or commands for control of different types or selected user devices(see col. 7, lines 7-13).

Regarding claim **10**, **Engestrom** would teach a plurality of passive data carriers positioned at different locations for control of user devices present in respective control areas around said different locations according to stored user settings and/or commands (col. 5, line 40 – col. 6, line 25).

Regarding claim **11**, **Engestrom** would teach a plurality of passive data carriers associated to different users for control of user devices according to stored user settings and/or commands (see col. 7, lines 7-13 and col. 5, line 40 – col. 6, line 25).

Regarding claim **12**, the claim is interpreted and rejected for the same reason as set forth in claim 1 above.

Claim Rejections - 35 USC 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims **3-6, 8-9, 13-14** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Engestrom**.

Regarding claims **3**, the claims are rejected for the same reason as set forth in claim 1 above. In addition, since **Engestrom** teaches that the RFID tag is a **passive** device (see col. 4, lines 14-17), it is clear that **Engestrom** would obviously, if not implicitly, teach features as recited in the claim (well known features of a passive transponder, Official Notice) in order to embed stored short cut information into RF signal modulations of a received RF signal, for transmitting to the personal communication device to execute/trigger a macro-command in the personal communication device as mentioned by **Engestrom** (see col. 6, lines 1-25).

Regarding claim **4**, the claims are rejected for the same reason as set forth in claim 3 above. In addition, **Engestrom** would teach said passive data carrier is a passive RFID tag (see col. 14, lines 15-17).

Regarding claim **5**, the claims are rejected for the same reason as set forth in claim 3 above. In addition, **Engestrom** would teach said passive data carrier is integrated into a mobile user apparatus, in particular into a mobile phone, a transponder, a SmartCard or a PDA as claimed (see col. 5, line 50 - col. 6, line 25, particularly to col. 6, lines 24-25).

Regarding claim **6**, the claims are rejected for the same reason as set forth in claim 1 above. In addition, **Engestrom** would obviously, if not implicitly, teach said user device further comprises an RF transmitter for emitting RF signals, a detector for detecting RF signals or RF signal modulations of emitted RF signals, a processor for

processing the detected RF signals or RF signal modulations and for deriving user settings and/or commands embedded therein as claimed (see Fig. 9-10 and col. 9, line 55 – col. 10, line 16), in order to emit an interrogator signal and receive a modulated RF response signal from the RFID tag..

Regarding claim **8**, the claims are rejected for the same reason as set forth in claim 6 above. In addition, it is cleat that **Engestrom** would obviously, if not implicitly, teach said user device further comprises an identification means for embedding identification information identifying said user device and/or the type of said user device into RF signals emitted by said RF transmitter as claimed (see col. 4, lines 52-65 and col. 7, lines 7-13 regarding two user devices sharing a RFID tag), in order to emit an interrogator ID signal and receive a corresponding modulated RF response signal from the RFID tag (see col. 10, lines 32-36 and col. 10, line 66 – col. 11, line 6).

Regarding claim **9**, the claims are rejected for the same reason as set forth in claim 6 above. In addition, it is cleat that **Engestrom** would obviously, if not implicitly, teach said processing means of said passive data carrier further comprises an identifier means for processing said received RF signals to obtain identification information identifying said user device and/or the type of said user device and a selecting means for selecting stored user settings and/or commands related to said type or said user device to be embedded into said output RF signals or said RF signal modulations of said received RF signals by said processing means as claimed(see col. 4, lines 14-65 and col. 7, lines 7-13 regarding two user devices sharing a RFID tag), in order to

receive an interrogator ID signal and output a corresponding modulated RF response signal from the RFID tag (see col. 10, lines 32-36 and col. 10, line 66 – col. 11, line 6).

Regarding claim **13**, the claim is interpreted and rejected for the same reason as set forth in claim 6 above.

Regarding claim **14**, the claim is interpreted and rejected for the same reason as set forth in claim 3 above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See the attached PTO-892.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300 (for **formal** communications intended for entry)

(571)-273-7893 (for informal or **draft** communications).

Hand-delivered responses should be brought to Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

3Any inquiry concerning this communication or communications from the examiner should be directed to Duc M. Nguyen whose telephone number is (571) 272-7893, Monday-Thursday (9:00 AM - 5:00 PM).

Or to Nay Maung (Supervisor) whose telephone number is (571) 272-7882.

/Duc M. Nguyen/

Primary Examiner, Art Unit 2618

Oct 23, 2008